REMARKS

The present Amendment responds to the Office Action dated July 12, 2006 having a shortened statutory period for response set to expire October 12, 2006. Filed concurrently herewith is a request for a two (2) month extension of time to respond, making the present Amendment due by December 12, 2006.

In the Office Action, claims 1-10 are pending, with claims 6-8 withdrawn from examination pursuant to the Examiner's previous Restriction Requirement and Applicants' provisional election. Particularly, the Examiner grouped pending claims 1-10 into three separate inventions, as follows:

> Group I, claims 1-5, 9, and 10 drawn to compounds of the formula (I);
>
> Group II, claim 6, drawn to compounds of formula (II); and
>
> Group III, claims 7 and 8 drawn to the process of preparing compound of formula (V).

At this time, Applicants confirm the election of Group I, claims 1-5, 9, and 10 for examination. Applicants further state that the election of Group I is made without traverse.

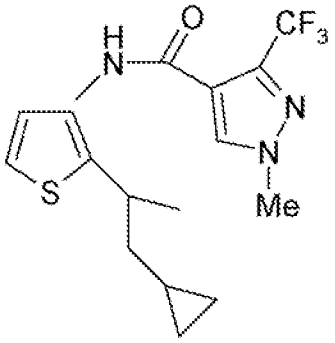
Next, the Examiner has taken this opportunity to remind Applicants of their Duty of Disclosure and the rules associated with providing a proper Information Disclosure Statement (IDS) for fulfilling this duty. At this time, Applicants have provided the Examiner with an IDS in compliance with 37 CFR 1.98(b), which accompanied the initial filing papers for the present application filed on April 27, 2005. Applicants appreciate the Examiner's reminder, but are presently unaware of any additional references that need to be cited to supplement their IDS.

Turning now to the examination of the claims, the Examiner has rejected claims 1-5, 9, and 10 under 35 U.S.C. 112, first paragraph taking the position that the claims are not properly enabled by the specification. In addition, claims 1-5, 9, and 10 are rejected under 35 USC §§ 102(b) and 103(a) as being both anticipated and rendered obvious by EP 0737682 A1 to Yoshikawa et al.

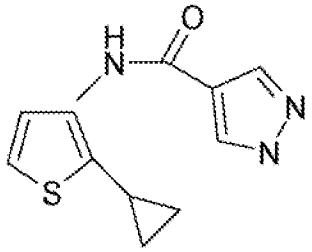
With respect to the enablement rejection, the Examiner takes the position that the specification "does not reasonably provide enablement for all the compounds as presently claimed" because the hetero group in claim 1, formula (I) represents a large number of compounds. In effort to advance this case, Applicants have chosen to narrow the definition to Het to "pyrrolyl, pyrazolyl, thiazolyl, or pyridinyl" being substituted by groups R^4, R^5 and R^6. Applicants submit that the specification sufficiently teaches those skilled in the art how to make and use the full scope of the invention as claimed in amended claim 1 without undue experimentation. Indeed, the now amended value of "Het" in formula (I) is supported by

examples in the specification with physical data and biological data, for example compound 4.23 (pyrazolyl), 5.23 (pyrrolyl), 10.12 (thiazolyl) and 13.11 (pyridinyl). Applicants believe that amending claim 1 overcomes the Examiner's § 112 rejection and that the rejection should now be withdrawn.

With respect to the § 102(b) rejection of the claims, the Examiner states "[t]he reference discloses the compound 1.41 on page 30, which anticipates the instant invention." (OA p. 8) Applicants respectfully submit that the Yoshikawa et al. compound 1.41 does not anticipate the compound of formula (I) as claimed in claim 1 and, indeed, is quite removed from Applicants' claimed compound. The two compounds at issue are provided below, as follows:



Yoshikawa et al.
p. 30 Compound 1.41



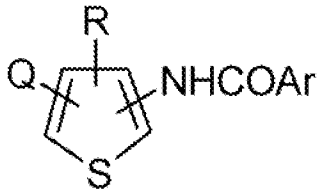
Present Application
Claim 1, Formula (I)

As shown above, the Yoshikawa et al. compound 1.41 does not have the same structure as the presently claimed compound of formula (I). Particularly of note is the substitution of the thiophene. The Yoshikawa et al. compound 1.41 shows that the thiophene is indirectly substituted by the cyclopropyl because the substitution is via an alkyl chain. While on the other hand, the thiophene of formula (I) in claim 1 is directly substituted by the cyclopropyl. In addition, the pyrazolyl of the Yoshikawa et al. compound 1.41 is substituted by the trifluorocarbon group and one nitrogen group is bonded to a methyl group. This is well outside the scope of the present claim 1 which does not claim that the pyrazolyl group can be substituted by trifluorocarbon or have a methyl group attached thereto.

Since compound 1.41 is different in structure from the claimed compound of formula (I), Applicants respectfully submit that the reference cannot anticipate the claims as the Examiner has argued in the Office Action. Accordingly, Applicants submit that the Examiner's § 102(b) rejection of the claims is improper and should be withdrawn.

Turning now to the remaining rejection in the Office Action, the Examiner takes the position that the Yoshikawa et al. reference renders the claimed invention obvious when "Q represents a cycloalkyl group having 3 to 10 carbon atoms (last line on page 2) and when Ar represents A1 to A8". First, Applicants note that Q is never defined in the Yoshikawa et al. reference as a cycloalkyl group having 3 to 10 carbon atoms. Rather, Q is defined as "a hydrogen atom, fluorine atom, chlorine atom, bromine atom, iodone atom, methyl group, trifluoromethyl group, methoxy group, methylthio group, methylsulfonyl group, methylsulfoxy group, cyano group, acetyl group, nitro group, alkoxycarbonyl group or amino group." (p. 2, lines 54-56). The value "R", on the other hand, can be defined as, among other things, "cycloalkyl group having 3-10 carbon atoms". With this in mind then, and assuming Q is H, the Examiner appears to take the position that Applicants' claimed invention is obvious because "one skilled in the art would have been motivated to prepare compounds embraced by the genus of the above cited references with the expectation of obtaining additional beneficial compounds". Applicants respectfully disagree and request that the Examiner reconsider her position in view of the following arguments.

Applicants submit that the reference, when considered as a whole, provides no motivation to arrive at Applicants' claimed invention. First, Yoshikawa et al. teaches a compound of formula 1 on page 2 of the reference and provided below for discussion purposes.



As shown, the thiophene is substituted at various positions by the Q, R, and NHCOAr groups. Since the Q, R, and NHCOAr groups are not in fixed locations about the thiophene, any one of the groups can be located at any one of the four available sites. Further, Q, R, and Ar represent a significant number of groups. Indeed, the reference provides specific examples of approximately 200 compounds that are represented by formula 1. Of these 200 examples, the compound that is arguably the closest to Applicants' claimed structure is compound 1.41. However, as explained above, compound 1.41 is quite far removed from the claimed compound because the thiophene is *indirectly* substituted by the cyclopropyl via an alkyl chain and further due to the substitution by both the trifluorocarbon group and the addition of the methyl group.

The Yoshikawa et al. reference provides no specific guidance to form Applicants' claimed compound. Indeed, to do so, one of ordinary skill in the art would need to specifically fix the R group of formula 1 at the ortho position and directly attach thereto a 3-carbon cycloalkyl group. Further, one of ordinary skill would have to select Q to represent H, and then select among the 8 Ar groups. Even if one of ordinary skill in the art selected the Ar group of A2, the methyl group would have to be completely removed and the required R^1 group ignored just to arrive at Applicants' claimed compound. Clearly, the reference does not suggest this modification. Such a modification is outside the teaching of Yoshikawa et al. and arguably renders useless all Ar groups taught in the reference for their intended purpose. As such, it is submitted that the suggested modification does not provide a reasonable expectation of success. Accordingly, the skilled artisan would not have found it obvious to make the claimed composition without resorting to hindsight reasoning. As such, it is respectfully submitted that the Examiner has not established a prima facie case of obviousness and that the § 103 rejection of claims pending claims is improper.

Based upon the foregoing then, Applicants submit that the pending claims are in condition for allowance and the Examiner is courteously solicited to pass this application on to allowance. No other fees are believed to be payable at this time. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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